

IN THE UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

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|------------------------|---|------------------------|
| DAVID E. HILL, | : | |
| | : | |
| Plaintiff | : | |
| | : | |
| v. | : | CIVIL NO. 3:CV-11-1609 |
| | : | |
| HARLEY LAPPIN, ET AL., | : | (Judge Conaboy) |
| | : | |
| Defendants | : | |

ORDER

AND NOW, THIS 17th DAY OF SEPTEMBER, 2012, in accordance with the accompanying Memorandum, IT IS HEREBY ORDERED THAT:

1. Defendants' dispositive motion (Doc. 17) is construed as solely seeking summary judgment.
2. The Defendants motion for summary judgment (Doc. 17) is **PARTIALLY GRANTED**.
3. Entry of summary judgment is **GRANTED** with respect to any claims against Defendants Lappin, Norwood, and Bledsoe: (1) solely based upon their respective supervisory capacities; and (2) regarding their responses or non-response to administrative grievances or complaints within either the BOP or USP-Lewisburg.
4. Summary judgment is also **GRANTED** in favor of all Defendants with respect to: (1) the Bivens claims against them in their official capacities and (2) the allegations of deliberate

indifference to a serious medical need; and (3) the assertions realting to the denial of Plaintiff's requests to be moved to another cell.

5. Defendants' request for summary judgment regarding the alleged use of excessive force and the implementation of four point restraints by correctional staff is **DENIED**.
6. The Defendants' request for qualified immunity is **DISMISSED WITHOUT PREJUDICE**.
7. Summary judgment is **ENTERED** favor of Defendants Harley Lappin; PA I. Navarro; Nurse B. Prince; and AHSA R. Parkyn.
8. Plaintiff's motion to continue (Doc. 32) and Defendants' motion seeking issuance of a protective order (Doc. 36) are **DISMISSED AS MOOT**.
9. Defendants shall respond to any outstanding discovery requests within thirty (30) days of the date of this Order. Any additional dispositive motions may be submitted within ninety (90) days of the date of this Order.

S/Richard P. Conaboy
RICHARD P. CONABOY
United States District Judge